IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2192 OF 2005

Subhash Papat Bondre ..Petitioner.

Vs.

Sakharwadi Shikshan Sanstha & Ors...Respondents.

....

Mr.S.D.Thokade for the Petitioner.

Mr.Sanjeev Kadam for the Respondents.

....

CORAM : A.P.SHAH &

DR.D.Y.CHANDRACHUD, J.

22nd July, 2005.

P.C. :

Rule, made returnable forthwith.

By consent of the learned counsel appearing on behalf of the parties, following order is passed:

i) Respondent Nos.1 and 2 agree and confirm that the Petitioner’s appointment dated 10th

August, 2001 was not under Government Resolution dated 13th October, 2000 and therefore, the Petitioner be treated as teacher appointed under the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977;

ii) Respondent Nos.1 and 2 undertake to pay the differential amount of salary of the Petitioner at the rate of Rs.4,000/- per month from the date of his appointment i.e. 10th August, 2001 till 16th July, 2004 within one month from the date of this order. The Petitioner agrees to accept this amount without prejudice to his right to challenge the order of termination;

iii) The Petitioner is free to challenge the order of termination under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 before the School Tribunal. If such appeal is filed by the Petitioner within four weeks from today, the point of limitation shall not be raised by Respondent Nos.1 and 2 and the

School Tribunal shall treat the said appeal as being filed within the period of limitation since the Petitioner was prosecuting the remedy in wrong forum. If such appeal is filed by the Petitioner before the School Tribunal, the Tribunal may dispose of the appeal as expeditiously as possible and preferably within a period of six months from the date of filing of the appeal.

iv) The Education Officer is at liberty to take action against Respondent Nos.1 and 2 in terms of Clause (2) of the Government Resolution dated 26th July, 2001.

The Petition stands disposed of.